

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

RAMI BALY,

Petitioner,

-against-

CERTIFICATE OF APPEALS SUPREME
COURT OF NEW YORK,

Respondent.

22-CV-5812 (LTS)

ORDER OF DISMISSAL

LAURA TAYLOR SWAIN, Chief United States District Judge:

By order dated August 9, 2022, the Court notified Petitioner that his application, which attacked his 2017 conviction, would be recharacterized as a petition for a writ of *habeas corpus* under 28 U.S.C. § 2254. The Court directed him, within 30 days, to either file an amended Section 2254 petition or request an extension of time to do so. The Court held that if Petitioner indicated that he did not wish to have his application recharacterized, or if he failed to respond within 30 days, the action would be dismissed without prejudice. Petitioner has not filed an amended petition or other response, and the time to do so has expired. Accordingly, the application is dismissed without prejudice for failure to respond to the Court's order.

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore IFP status is denied for the purpose of an appeal. *Cf. Coppedge v. United States*, 369 U.S. 438, 444-45 (1962) (holding that an appellant demonstrates good faith when he seeks review of a nonfrivolous issue). Judgment shall enter.

Dated: September 12, 2022
New York, New York

/s/ Laura Taylor Swain

LAURA TAYLOR SWAIN
Chief United States District Judge